

Delegate Hardwicke because he related it to what in effect is proposed by the Committee in section 3.18 that we have already gone through in other sections of the Committee's reports on mandating the legislature on certain things. It has been clear from the testimony here and it is clear in the court proceedings that if the legislature should decide not to do those things, there is no mandamus proceedings to force the legislature to do it.

Now, as I understand the delegate's suggestion, it is that we do the same thing here with respect to these provisions which are to be done by rule, but if in fact they do not do it, then there is no kind of recourse to force them to do it. I think that would leave us with a procedure that would be entirely the opposite of what the majority of the Committee has recommended, so I would like to get some clarification of what the Chair has in mind.

THE CHAIRMAN: The Chair's principal suggestion was to separate in two sections the portions which the Committee has indicated quite clearly are not merely mandatory, but as to which they expect literal compliance, so that there would be no question as to these, and have in a separate section the other portions of the section, as to something less than literal compliance that might be possible, or to put it another way, that failure to have literal compliance would not necessarily invalidate the legislation.

The Chair merely suggested that Delegate Hardwicke's suggestion might be one way of doing this. I did not mean to indicate that Delegate Gallagher had agreed that that would be the way to do it. The only thing he has agreed to do is to try to separate the two matters into two separate sections, and in some way to indicate what difference there may be between them. This may prove to be impossible. We will have to see.

Delegate Gleason.

DELEGATE GLEASON: Just let me conclude by commenting. Mr. Chairman, that with this kind of dialogue and this kind of procedure, I think we are in danger of losing the entire section. There was certainly no confusion in our mind as to what we intended to do and I think the majority of the delegates would have understood it.

THE CHAIRMAN: Delegate Barrick.

DELEGATE BARRICK: Mr. Chairman, I would like to suggest that possibly if we voted on this amendment that has been of-

fered, we would get the consensus of the Committee, and it might not be necessary for Mr. Gallagher to retire.

THE CHAIRMAN: Let the Chair say, the suggestion he made was merely a suggestion and can be carried out only in the absence of objection. If any delegate desires to proceed with the consideration of Amendment No. 20, we shall do so.

Delegate Gallagher.

DELEGATE GALLAGHER: I would hope, Mr. Chairman, that the ladies and gentlemen would give us an opportunity to see if we can work this out to our complete and mutual satisfaction.

THE CHAIRMAN: Delegate James, the amendment is your amendment. Would you indicate your disposition? Would you be willing to have it laid aside for the moment and consideration given to section 3.18 and then come back to this?

DELEGATE JAMES: Well, I do not like to be hard to get along with, but I would like to have a vote on this.

THE CHAIRMAN: Very well.

Is there any further discussion?

Delegate Della.

DELEGATE DELLA: Mr. Chairman, this particular sentence, that the Committee has adopted all final committee votes on all bills, Mr. Chairman, I do not know how that could even be carried out.

If a bill is sent to a committee, you only need three signatures in the Senate to bring it out. Now, if you cannot get three signatures on a bill that is in a committee with an unfavorable report, Lord help the bill. Now, in the House, to recall a bill from a committee, that requires fifteen signatures. I think we are getting into serious deep water, especially when, or if you consider bonds.

I do not know whether this particular phrase requires the committee to have a journal and whether those votes must be recorded in that journal of that committee, or when the Chairman must report that a committee had acted on a bill which they may have voted unfavorable today, that they can reconsider tomorrow and bring it out with a favorable report. What I think you are doing is littering, frankly filling up the journal of that particular house with a lot of reports that may be changed from one day to another. Then I come to the responsibility of the Chairman himself. When shall he report that a Committee